

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NORTH AMERICAN ELITE INSURANCE
COMPANY,**

Plaintiff,

v.

**VICTORY FIRE PROTECTION, INC. ,
Defendant.**

CIVIL ACTION

NO. 17-3554

ORDER

AND NOW, this 23rd day of August, 2018, upon consideration of Simplex Grinnell LP's Motion for Summary Judgment (ECF No. 65), North American Elite Insurance Company's Response in Opposition thereto (ECF No. 66), Penn Builders, Inc.'s Response in Opposition thereto (ECF No. 68 & 69), Victory Fire Protection, Inc.'s Response in Opposition thereto (ECF No. 70 & 71), and Simplex Grinnell LP's Reply in Further Support thereof (ECF No. 73), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

(1) Summary Judgment is **GRANTED** as to North American Elite Insurance Company's Rule 14(a)(3) claim against Simplex Grinnell LP. North American's claim against Simplex Grinnell will be **DISMISSED**.

(2) Summary Judgment is **DENIED** as to Penn Builders, Inc., Victory Fire Protection, Inc., and Anchor Fire Protection Company's claims against Simplex Grinnell LP.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

